

C. **REMARKS**

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 1-3, 12-14, 35 and 37-41 have been amended. No claims have been canceled or added. Hence, Claims 1-41 are pending in this application. The amendments to the claims do not add any new matter to this application. Furthermore, the amendments to the claims were made to improve the readability and clarity of the claims and not for any reason related to patentability. All issues raised in the Office Action mailed December 22, 2004 are addressed hereinafter.

**OBJECTION TO DRAWINGS**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) and (5) for various reasons related to reference characters and signs. New formal drawings including corrections addressing the drawing issues raised in the Office Action mailed on December 22, 2004 are included herewith for consideration and acceptance by the Examiner. The changes are summarized as follows:

1. In FIG. 1B, the reference numeral for the DEPLOYMENT block has been changed from 110 to 116, which corresponds to the description in the specification.
2. In FIG. 2C, reference numerals 260, 262, 264, 266, 268 and 270 have been changed to 258a, 258b, 258c, 258d, 258e and 258f, respectively.

The specification has been amended in numerous locations to include descriptions of drawing elements that were not previously described. The reference numerals 908, 914, 916 of FIG. 9 are described on page 60 of the specification. FIG. 5 is described on page 33 of the specification.

Accordingly, reconsideration and withdrawal of the objection to the drawings is respectfully requested.

### **OBJECTION TO SPECIFICATION**

The specification was objected to on the basis that the reference numeral 114 was missing on Page 14, line 4. The specification has been amended as indicated herein to add reference numeral 114 to Page 14, at line 4. Other amendments have been made to the specification to correct typographical errors and to add text corresponding to elements in the figures.

Accordingly, reconsideration and withdrawal of the objection to the specification is respectfully requested.

### **REJECTION OF CLAIMS 1-5, 7-22, 24-27 AND 29-41 UNDER 35 U.S.C. § 102(e)**

Claims 1-5, 7-22, 24-27 and 29-41 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Tonelli et al.*, U.S. Patent No. 5,821,937 (hereinafter “*Tonelli*”). It is respectfully submitted that Claims 1-5, 7-22, 24-27 and 29-41, as amended, are patentable over *Tonelli* for at least the reasons provided hereinafter.

### **CLAIM 1**

Claim 1, as amended, is directed to a method of defining and deploying a networked computer system that recites:

“creating and storing a graphical representation of a logical configuration of the networked computer system by  
generating a display of a graphical workspace that can receive the graphical representation;  
receiving user input representing selecting one or more icons that represent nodes of the networked computer system and moving the one or more icons into the graphical workspace;  
receiving user input representing connecting one or more of the icons with one or more other icons;

receiving user input representing configuring one or more parameter values associated with one or more of the nodes; and using the graphical representation, instantiating an operable computer system that conforms to the logical configuration.”

It is respectfully submitted that Claim 1 is patentable over *Tonelli* because Claim 1 recites one or more limitations that are not taught or suggested by *Tonelli*. For example, it is respectfully submitted that the Claim 1 limitation “using the graphical representation, instantiating an operable computer system that conforms to the logical configuration” is not taught or suggested by *Tonelli*.

*Tonelli* describes a computer-implemented method for designing networks. The approach includes an auditing tool for discovering existing network topology by querying information from devices and interfaces. The discovered network topology may be stored and compared to later-discovered network topologies to identify differences between the stored network topology and the later-discovered network topologies.

The Office Action refers to the text in *Tonelli* at Col. 15, lines 8-21 for teaching the Claim 1 limitation “using the graphical representation, instantiating an operable computer system that conforms to the logical configuration.” The stated basis is that the user can validate the system and create a virtual instance of the network for testing the system. It is respectfully noted that the testing of a design in *Tonelli* does not involve implementing a design on an actual network to instantiate an operable computer system. In *Tonelli*, an operable computer system is never actually instantiated, as recited in Claim 1. Rather, a rules engine is used to validate a network design, by ensuring that the design satisfies a set of rules. *Tonelli* does not teach or suggest that testing a network design using the rules engine ever involves instantiating an operable computer system. To the extent that *Tonelli* teaches or suggests instantiating a network,

it is in the context of instantiating a logical network for testing. An operable network that conforms to the logical network is never actually instantiated. It is therefore respectfully submitted that the Claim 1 limitation “using the graphical representation, instantiating an operable computer system that conforms to the logical configuration” is not taught or suggested by *Tonelli* and that Claim 1 is therefore patentable over *Tonelli*.

#### CLAIMS 2-5 AND 7-11

Claims 2-5 and 7-11 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 2-5 and 7-11 are patentable over *Tonelli* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 2-5 and 7-11 recite additional limitations that independently render them patentable over *Tonelli*.

#### CLAIM 12

Claim 12 is directed to a method of graphically defining and deploying a networked computer system that recites “based on the textual representation, generating one or more commands for one or more switch devices that are interconnected to one or more computing elements and storage devices, wherein the commands instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system that conforms to the logical configuration.” As described herein with respect to Claim 1, *Tonelli* does not teach or suggest instantiating an operable computer system that conforms to a logical configuration. Claim 12 further recites generating commands “to instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system

that conforms to the logical configuration.” *Tonelli* does not teach or suggest generating such commands.

In addition, Claim 12 recites “based on the graphical representation, automatically creating and storing a textual representation of a logical configuration of the networked computer system, wherein the textual representation conforms to a structured markup language.” The Office Action asserts that this limitation is taught by *Tonelli* at Col. 18, lines 35-45. The text at this portion of *Tonelli* describes how the network audit software may provide graphical and tabular views of network elements. There is no teaching or suggestion however, that the views conform to a structured markup language. It is therefore respectfully submitted that the Claim 12 limitation “based on the graphical representation, automatically creating and storing a textual representation of a logical configuration of the networked computer system, wherein the textual representation conforms to a structured markup language” is also not taught or suggested by *Tonelli*.

In view of the foregoing, it is therefore respectfully submitted that Claim 12 includes one or more limitations that are not taught or suggested by *Tonelli* and is therefore patentable over *Tonelli*.

#### CLAIMS 13-22 AND 24-26

Claims 13-22 and 24-26 all depend from Claim 12 and include all of the limitations of Claim 12. It is therefore respectfully submitted that Claims 13-22 and 24-26 are patentable over *Tonelli* for at least the reasons set forth herein with respect to Claim 12. Furthermore, it is respectfully submitted that Claims 13-22 and 24-26 recite additional limitations that independently render them patentable over *Tonelli*.

#### CLAIM 27

Claim 27 recites limitations similar to Claim 12. It is therefore respectfully submitted that Claim 27 is patentable over *Tonelli* for at least the reasons set forth herein with respect to Claim 12.

#### CLAIMS 29-36

Claims 29-36 all depend from Claim 27 and include all of the limitations of Claim 27. It is therefore respectfully submitted that Claims 29-36 are patentable over *Tonelli* for at least the reasons set forth herein with respect to Claim 27. Furthermore, it is respectfully submitted that Claims 29-36 recite additional limitations that independently render them patentable over *Tonelli*.

#### CLAIM 37

Claim 37 recites limitations similar to Claim 12, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 37 is patentable over *Tonelli* for at least the reasons set forth herein with respect to Claim 12.

#### CLAIM 38

Claim 38 recites limitations similar to Claim 27, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 38 is patentable over *Tonelli* for at least the reasons set forth herein with respect to Claim 27.

### CLAIM 39

Claim 39 recites limitations similar to Claim 1, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 39 is patentable over *Tonelli* for at least the reasons set forth herein with respect to Claim 1.

### CLAIMS 40 AND 41

Claims 40 and 41 recite limitations similar to Claim 1, except in the context of apparatuses. It is therefore respectfully submitted that Claims 40 and 41 are patentable over *Tonelli* for at least the reasons set forth herein with respect to Claim 1.

In view of the foregoing, it is respectfully submitted that Claims 1-5, 7-22, 24-27 and 29-41 are patentable over *Tonelli*. Accordingly, reconsideration and withdrawal of the rejection of Claims 1-5, 7-22, 24-27 and 29-41 35 U.S.C. § 102(e) as being anticipated by *Tonelli* is respectfully requested.

### REJECTION OF CLAIMS 6, 23 AND 28 UNDER 35 U.S.C. § 103(a)

Claims 6, 23 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tonelli* in view of the *Microsoft Press Computer Dictionary*, Third Edition, *Microsoft Press Publishing*, 1997, Page 197 (hereinafter "*Microsoft*"). It is respectfully submitted that Claims 6, 23 and 28 are patentable over *Tonelli* and *Microsoft*, considered alone or in combination, for at least the reasons provided hereinafter.

Claims 6, 23 and 28 depend from Claims 1, 12 and 27, respectively, and include all of the limitations of Claim 1, 12 and 27, respectively. As previously set forth herein, Claims 1, 12 and 27 each include one or more limitations that are not taught or suggested by *Tonelli*. It is also respectfully submitted that these limitations are also not taught or suggested by *Microsoft* and it

is recognized that *Microsoft* was not relied upon for these limitations. Rather, *Microsoft* was relied upon for teaching the particular additional limitations recited in Claims 6, 23 and 28. It is therefore respectfully submitted that Claims 6, 23 and 28 each include limitations from Claims 1, 12 and 27, respectively, that are not taught or suggested by *Tonelli* and *Microsoft*, considered alone or in combination, and that Claims 6, 23 and 28 are therefore patentable over *Tonelli* and *Microsoft*. Accordingly, reconsideration and withdrawal of the rejection of Claims 6, 23 and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Tonelli* in view of *Microsoft* is respectfully requested.

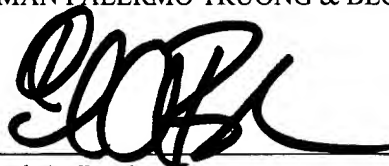
### CONCLUSION

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

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Date: **March 21, 2005**

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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on March 21, 2005

by   
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